

indeed all Americans, ought to take this moment to recognize BOB KERREY's heroic action on that day in 1969, when he displayed immense bravery in the face of overwhelming adversity.

Today—thirty years later—BOB KERREY continues to exhibit the kind of dedication and honor that earned him the Medal of Honor. Just one example of Senator KERREY's distinction as a Senator is the countless hours he had devoted to curbing the politically popular entitlement programs that have contributed so greatly to our staggering national debt. Taking on this issue isn't the easiest thing for an elected official to do—it is a task fraught with political danger. But BOB KERREY knows that it's the right thing to do for our nation, and that is why he continues to persevere.

My colleagues here today will provide numerous other examples of BOB KERREY's accomplishments as a U.S. Senator. Given his heroism during my tenure as Navy Secretary, these accomplishments come as no surprise. I am proud to be a cosponsor of this resolution, and thank Senators DASCHLE and EDWARDS for their leadership in bringing it to the Senate floor.●

#### NATIONAL MISSILE DEFENSE ACT

● Mr. BAYH. Mr. President, I rise today to discuss yesterday's overwhelming Senate vote in favor of the National Missile Defense Act of 1999. I was pleased to join with many of my colleagues in support of this legislation that will help to ensure that the United States does everything it can to defend itself from the threat of limited ballistic missile launches, both accidental and intentional. This legislation, which makes it the policy of the United States to deploy an effective national missile defense when technologically possible, takes an important first step toward providing a significant defense for all citizens of the United States against limited ballistic missile attacks.

As most of my colleagues know, today, the United States faces a serious, credible, and growing threat from limited ballistic missiles that could potentially carry nuclear, biological or chemical payloads. This new threat is not from Russia, our partner in many important arms control agreements. Instead, this threat comes from the increasing proliferation of ballistic missile technology. In particular, certain rogue states pose the greatest threat as they continue to push for—and make great progress in acquiring—delivery systems that directly threaten the United States. I do not believe that the threat from these rogue states, most of which have demonstrated a complete disregard for the well-being of their own citizens as they relentlessly pursue the acquisition of this ballistic missile technology, can be understated.

Mr. President, this new and emerging ballistic missile threat from rogue states was dramatically highlighted by the August 1998 Taepo Dong I missile launch in North Korea. This North Korean missile launch demonstrated important aspects of intercontinental missile development. Most importantly, the missile included multiple stage separation and the use of a third stage. This use of a third stage, in particular, was surprising to our intelligence community. Using a third stage gives this missile a potential range in excess of 5,500 kilometers, thus effectively making the Taepo Dong I an intercontinental ballistic missile.

Unfortunately, America's intelligence community did not expect the North Korean's to have the capability to make such a three stage missile. In fact, the most recent U.S. intelligence reports made prior to this Taepo Dong I launch claimed that no rogue state would have this capability for at least ten years.

Even before the North Koreans launched their Taepo Dong I missile last August, there were other disturbing reports that predicted the eminent ballistic missile threat to the United States. In July, the Commission to Assess the Ballistic Missile Threat to the United States, known as the Rumsfeld Commission, released its report. The Rumsfeld Commission was a bipartisan commission headed by former Defense Secretary Rumsfeld and other well respected members in the defense community. The Rumsfeld Commission warned of the growing ballistic missile threat that rogue states posed to the United States. The Rumsfeld Commission unanimously found that, "concerted efforts by a number of overtly or potentially hostile nations to acquire ballistic missiles with biological or nuclear payloads pose a growing threat to the United States, its deployed forces and its friends and allies."

The Commission reported further that, "The threat to the U.S. posed by these emerging capabilities is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the Intelligence Community."

The launch of the Taepo Dong I missile and the findings of the Rumsfeld Commission are very troubling. It is clear that ballistic missile technology is progressing rapidly and proliferating just as rapidly and, consequently, the threat to the United States is real. It is no longer a perceived threat or a potential threat. It is not a threat that may come ten years down the road. This threat is tangible and it is here now. I believe that we have a moral responsibility to all Americans to do everything possible to defend the United States from this threat. Supporting this legislation, in my opinion, is an important step in providing a solid de-

fense for the United States against limited ballistic missile attacks.

Moreover, S.257 is a responsible way to address the threat that the United States faces. In contrast to previous legislative efforts, most of which micro managed this policy by setting a fixed date for deployment and by dictating the exact type of missile defense system to be deployed, this legislation more properly lays out broad U.S. policy. The bill simply—but clearly—calls for deployment of an effective system once the technology is possible. No date for deployment is set. No requirement for a specific type of ballistic missile defense is outlined. By not dictating such requirements, this legislation responsibly allows for flexibility for our military experts to develop and deploy the best possible missile defense system. This language helps ensure that the United State will not rush into deployment with a substandard system—at a cost of billions of taxpayer dollars—just to be able to say we've deployed a limited missile defense.

Instead, this legislation will help ensure that the United States has deployed a system that has been thoroughly tested and proven operationally effective. I fully support this flexible approach.

Mr. President, let me briefly address the issue of cost. A lot has been said about how the original draft of this legislation could have bypassed future deliberations about how much the Pentagon should spend on missile defense. In effect, many critics of this legislation believed this bill would simply be providing a blank check for all future missile defense development and deployment efforts. I don't believe that is the case. This legislation does not preclude such important funding deliberations. However, I was very glad to support the amendment that Senator COCHRAN offered yesterday to make it absolutely explicit that Congress will fully debate the cost implications of a missile defense system in all annual defense authorizations and appropriations proceedings in the future. I plan to fully weigh the costs and benefits of missile defense in comparison to all other defense programs and to assess all potential threats to the United States at the time of those deliberations.

Finally, I am also pleased that the bill now calls for the United States to continue working with the Russians to reduce nuclear weapons. I strongly supported the amendment offered by Senator LANDRIEU which added this policy statement to S. 257. The United States and Russia have made great progress in reducing nuclear weapons over the past decade and both countries need to continue to do so. I think this statement of policy calling for continued efforts to reduce nuclear weapons is extremely important. We need to make it clear to

ourselves, to all American citizens, to our allies, and to the world that not only does the United States plan to defend itself from the threat of limited ballistic missile attacks, but that the best protection we can offer our nation is a world in which the fewest possible weapons of mass destruction exist.

Again, I thank Senator COCHRAN and all the cosponsors for introducing this important piece of legislation and for allowing the modifications to be made that garnered broad bipartisan support. I believe it is entirely appropriate for Congress to make it the policy of the United States to deploy an effective missile defense when technologically possible. The National Missile Defense Act will help allow this Government to keep its most important covenant with the American people—to protect their life and liberty.

#### DRUG FREE BORDERS ACT OF 1999

• Mr. MCCAIN. Mr. President, I rise in support of the Drug Free Borders Act of 1999, of which I am an original cosponsor. This legislation, identical to S. 1787 from the 105th Congress, authorizes funding for advanced sensing equipment for detecting illegal drugs before they can cross our border and emerge on the streets of America's cities. I would like to commend my good friend, Senator PHIL GRAMM, for once again taking the lead in introducing the Drug Free Borders Act during the 106th Congress.

Those of us who represent States bordering Mexico are particularly sensitive to the dangers implicit in failing to properly monitor traffic crossing that border. Yet, we also recognize that Mexico is one of our largest trading partners, and a country with which it is in our best interest to maintain as open a border as possible. It is a careful balancing act, but one that merits our greatest efforts.

While the effects of the North American Free Trade Agreement are being closely monitored by supporters and critics of that pact alike, it has become clear that NAFTA represents an important component of our international economic policy, contributing to the creation of 300,000 new American jobs since its passage. The agreement only went into effect in 1994, and it will likely be several more years before its full impact can be determined. The results from the first five years, however, unambiguously demonstrate that the agreement has a net positive impact on the U.S. economy.

But this bill is not about trade, it is about drugs, and about the measures that must be taken to ensure that we are doing everything we can to stem the flow of illegal drugs into our cities without impeding the flow of legitimate commerce. The key to finding that balance is the procurement of the equipment needed to expeditiously

scan incoming cargo, not just on the U.S.-Mexican border, but at our other ports of entry as well—and I should point out the emphasis in this bill on your maritime ports of entry. The Drug Free Borders Act of 1999 represents an important and substantive step in that direction. Authorizing over \$1 billion to beef-up Customs Department operations along our borders with Mexico and Canada, as well as at the maritime ports of entry, this legislation is a sound, responsible approach to enhancing this country's capabilities to interdict the flow of drugs before they reach our children.

Mr. President, I urge the support of all of my colleagues for the Drug Free Borders Act of 1999. This bill passed both Chambers of Congress last year, but fell victim to the vagaries of time, as the 105th Congress adjourned while the bill was still in conference. Its passage by both the Senate and the House of Representatives, however, clearly illustrates its broad bipartisan support, and I look forward to its passage into law during the current session of Congress. •

#### REFERRAL OF S. 623

Mr. STEVENS. Mr. President, I ask unanimous consent that S. 623 be discharged from the Committee on Environment and Public Works and referred to the Committee on Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AUTHORIZATION OF SENATE REPRESENTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 70, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 70) to authorize representation of Senate and Members of the Senate in the case of *James E. Pietrangelo, II v. United States Senate, et al.*

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a civil action commenced in the United States District Court for the Northern District of Ohio against the United States Senate and all Members of the Senate by a pro se plaintiff during the impeachment trial of President Clinton. The amended complaint improperly seeks judicial intervention directing Senators on how they should have voted on the question of whether to convict on the impeachment articles.

The action is subject to dismissal on numerous jurisdictional grounds, including lack of constitutional standing, political question, sovereign immunity, and the Speech or Debate Clause. This resolution authorizes the Senate Legal Counsel to represent the Senate and Senators in this suit to move for its dismissal.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 70) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 70

Whereas, in the case of *James E. Pietrangelo, II v. United States Senate, et al.*, Case No. 1:99-CV-323, pending in the United States District Court for the Northern District of Ohio, the plaintiff has named the United States Senate and all Members of the Senate as defendants;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend the Senate and Members of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is directed to represent the Senate and all Members of the Senate in the case of *James E. Pietrangelo, II v. United States Senate, et al.*

#### DESIGNATING MARCH 25, 1999, AS "GREEK INDEPENDENCE DAY"

Mr. STEVENS. Mr. President, I ask unanimous consent that S. Res. 50 be discharged from the Judiciary Committee, and further, that the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 50) designating March 25, 1999, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 50) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows: